

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

MALINI BHARADVAJ MADANAHALLI, M.D.)

Case No. 03-2013-232777

**Physician's and Surgeon's
Certificate No. A 63947**

Respondent

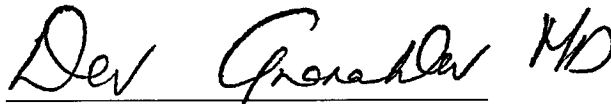
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 20, 2015.

IT IS SO ORDERED: January 23, 2015.

MEDICAL BOARD OF CALIFORNIA



**Dev Gnanadev, M.D., Chair
Panel B**

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ESTHER H. LA
Deputy Attorney General
4 State Bar No. 160706
455 Golden Gate Avenue, Suite 11000
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Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 03-2013-232777

11 **MALINI B. MADANAHALLI, M.D.**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

12
13 Physician's and Surgeon's Certificate No. A
63947

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
21 Board of California. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Esther H. La,
23 Deputy Attorney General.

24 2. Respondent Malini B. Madanahalli, M.D. ("Respondent") is represented in this
25 proceeding by attorney Bradford Hinshaw of the Law Offices of Hinshaw, Marsh, Still &
26 Hinshaw, whose address is: 12901 Saratoga Avenue, Saratoga, CA 95070.

27 3. On or about November 21, 1997, the Medical Board of California issued Physician's
28 and Surgeon's Certificate No. A 63947 to Respondent. The Physician's and Surgeon's Certificate

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 03-
2 2013-232777 and will expire on January 31, 2015, unless renewed.

3 JURISDICTION

4 4. Accusation No. 03-2013-232777 was filed before the Medical Board of California
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 January 31, 2014. Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 03-2013-232777 is attached as Exhibit A and incorporated
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 03-2013-232777. Respondent has also carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

15 7. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 03-2013-232777.

10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 63947 issued to Respondent Malini B Madanahalli, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not

1 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
2 illness or condition.

3 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
4 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
5 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
6 telephone number.

7 If Respondent has a confirmed positive biological fluid test for any substance (whether or
8 not legally prescribed) and has not reported the use to the Board or its designee, Respondent
9 shall receive a notification from the Board or its designee to immediately cease the practice of
10 medicine. The Respondent shall not resume the practice of medicine until final decision on an
11 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
12 probation shall be filed by the Board within 15 days of the notification to cease practice. If the
13 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
14 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent
15 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
16 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
17 shall not apply to the reduction of the probationary time period.

18 If the Board does not file an accusation or petition to revoke probation within 15 days of the
19 issuance of the notification to cease practice or does not provide Respondent with a hearing
20 within 30 days of a such a request, the notification of cease practice shall be dissolved.

21 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
22 use of products or beverages containing alcohol.

23 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall
24 receive a notification from the Board or its designee to immediately cease the practice of
25 medicine. The Respondent shall not resume the practice of medicine until final decision on an
26 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
27 probation shall be filed by the Board within 15 days of the notification to cease practice. If the
28 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board

1 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent
2 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
3 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
4 shall not apply to the reduction of the probationary time period.

5 If the Board does not file an accusation or petition to revoke probation within 15 days of the
6 issuance of the notification to cease practice or does not provide Respondent with a hearing
7 within 30 days of a such a request, the notification of cease practice shall be dissolved.

8 3. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
9 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
10 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
11 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
12 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
13 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
14 testing. The contract shall require results of the tests to be transmitted by the laboratory or
15 service directly to the Board or its designee within four hours of the results becoming available.
16 Respondent shall maintain this laboratory or service contract during the period of probation.

17 A certified copy of any laboratory test result may be received in evidence in any
18 proceedings between the Board and Respondent.

19 If Respondent fails to cooperate in a random biological fluid testing program within the
20 specified time frame, Respondent shall receive a notification from the Board or its designee to
21 immediately cease the practice of medicine. The Respondent shall not resume the practice of
22 medicine until final decision on an accusation and/or a petition to revoke probation. An
23 accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the
24 notification to cease practice. If the Respondent requests a hearing on the accusation and/or
25 petition to revoke probation, the Board shall provide the Respondent with a hearing within 30
26 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be
27 received from the Administrative Law Judge or the Board within 15 days unless good cause can
28 be shown for the delay. The cessation of practice shall not apply to the reduction of the

1 probationary time period.

2 If the Board does not file an accusation or petition to revoke probation within 15 days of the
3 issuance of the notification to cease practice or does not provide Respondent with a hearing
4 within 30 days of a such a request, the notification of cease practice shall be dissolved.

5 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
6 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
7 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
8 Respondent shall participate in and successfully complete that program. Respondent shall
9 provide any information and documents that the program may deem pertinent. Respondent shall
10 successfully complete the classroom component of the program not later than six (6) months after
11 Respondent's initial enrollment, and the longitudinal component of the program not later than the
12 time specified by the program, but no later than one (1) year after attending the classroom
13 component. The professionalism program shall be at Respondent's expense and shall be in
14 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

15 A professionalism program taken after the acts that gave rise to the charges in the
16 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
17 or its designee, be accepted towards the fulfillment of this condition if the program would have
18 been approved by the Board or its designee had the program been taken after the effective date of
19 this Decision.

20 Respondent shall submit a certification of successful completion to the Board or its
21 designee not later than 15 calendar days after successfully completing the program or not later
22 than 15 calendar days after the effective date of the Decision, whichever is later.

23 5. CLINICAL TRAINING PROGRAM. Within 60 calendar days of the effective date
24 of this Decision, Respondent shall enroll in a clinical training or educational program equivalent
25 to the Physician Assessment and Clinical Education Program (PACE) offered at the University of
26 California - San Diego School of Medicine ("Program"). Respondent shall successfully complete
27 the Program not later than six (6) months after Respondent's initial enrollment unless the Board
28 or its designee agrees in writing to an extension of that time.

1 The Program shall consist of a Comprehensive Assessment program comprised of a two-
2 day assessment of Respondent's physical and mental health; basic clinical and communication
3 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to
4 Respondent's area of practice, and at minimum, a 40 hour program of clinical education in
5 Respondent's area of practice and which takes into account data obtained from the assessment,
6 Decision(s), Accusation(s), and any other information that the Board or its designee deems
7 relevant. Respondent shall pay all expenses associated with the clinical training program.

8 Based on Respondent's performance and test results in the assessment and clinical
9 education, the Program will advise the Board or its designee of its recommendation(s) for the
10 scope and length of any additional educational or clinical training, treatment for any medical
11 condition, treatment for any psychological condition, or anything else affecting Respondent's
12 practice of medicine. Respondent shall comply with Program recommendations.

13 At the completion of any additional educational or clinical training, Respondent shall
14 submit to and pass an examination. Determination as to whether Respondent successfully
15 completed the examination or successfully completed the program is solely within the program's
16 jurisdiction.

17 A clinical training program taken after the acts that gave rise to the charges in the
18 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
19 or its designee, be accepted towards the fulfillment of this condition if the program would have
20 been approved by the Board or its designee had the program been taken after the effective date of
21 this Decision.

22 6. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
23 Respondent shall submit to the Board or its designee for prior approval the name and
24 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
25 has a doctoral degree in psychology and at least five years of postgraduate experience in the
26 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
27 undergo and continue psychotherapy treatment, including any modifications to the frequency of
28 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

1 The psychotherapist shall consider any information provided by the Board or its designee
2 and any other information the psychotherapist deems relevant and shall furnish a written
3 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
4 psychotherapist any information and documents that the psychotherapist may deem pertinent.

5 Respondent shall have the treating psychotherapist submit quarterly status reports to the
6 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
7 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
8 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
9 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
10 period of probation shall be extended until the Board determines that Respondent is mentally fit
11 to resume the practice of medicine without restrictions.

12 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

13 7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
14 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
15 Chief Executive Officer at every hospital where privileges or membership are extended to
16 Respondent, at any other facility where Respondent engages in the practice of medicine,
17 including all physician and locum tenens registries or other similar agencies, and to the Chief
18 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
19 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
20 calendar days.

21 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

22 8. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
23 prohibited from supervising physician assistants.

24 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
25 governing the practice of medicine in California and remain in full compliance with any court
26 ordered criminal probation, payments, and other orders.

27 10. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
28 under penalty of perjury on forms provided by the Board, stating whether there has been

1 compliance with all the conditions of probation.

2 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
3 of the preceding quarter.

4 11. GENERAL PROBATION REQUIREMENTS.

5 Compliance with Probation Unit

6 Respondent shall comply with the Board's probation unit and all terms and conditions of
7 this Decision.

8 Address Changes

9 Respondent shall, at all times, keep the Board informed of Respondent's business and
10 residence addresses, email address (if available), and telephone number. Changes of such
11 addresses shall be immediately communicated in writing to the Board or its designee. Under no
12 circumstances shall a post office box serve as an address of record, except as allowed by Business
13 and Professions Code section 2021(b).

14 Place of Practice

15 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
16 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
17 facility.

18 License Renewal

19 Respondent shall maintain a current and renewed California physician's and surgeon's
20 license.

21 Travel or Residence Outside California

22 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
23 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
24 (30) calendar days.

25 In the event Respondent should leave the State of California to reside or to practice
26 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
27 departure and return.

28 12. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be

1 available in person upon request for interviews either at Respondent's place of business or at the
2 probation unit office, with or without prior notice throughout the term of probation.

3 13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
4 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
5 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
6 defined as any period of time Respondent is not practicing medicine in California as defined in
7 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
8 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
9 time spent in an intensive training program which has been approved by the Board or its designee
10 shall not be considered non-practice. Practicing medicine in another state of the United States or
11 Federal jurisdiction while on probation with the medical licensing authority of that state or
12 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
13 not be considered as a period of non-practice.

14 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
15 months, Respondent shall successfully complete a clinical training program that meets the criteria
16 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
17 Disciplinary Guidelines" prior to resuming the practice of medicine.

18 Respondent's period of non-practice while on probation shall not exceed two (2) years.

19 Periods of non-practice will not apply to the reduction of the probationary term.

20 Periods of non-practice will relieve Respondent of the responsibility to comply with the
21 probationary terms and conditions with the exception of this condition and the following terms
22 and conditions of probation: Obey All Laws; and General Probation Requirements.

23 14. COMPLETION OF PROBATION. Respondent shall comply with all financial
24 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
25 completion of probation. Upon successful completion of probation, Respondent's certificate shall
26 be fully restored.

27 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
28 of probation is a violation of probation. If Respondent violates probation in any respect, the

1 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
2 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
3 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
4 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
5 the matter is final.

6 16. LICENSE SURRENDER. Following the effective date of this Decision, if
7 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
8 the terms and conditions of probation, Respondent may request to surrender his or her license.
9 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
10 determining whether or not to grant the request, or to take any other action deemed appropriate
11 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
12 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
13 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
14 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
15 application shall be treated as a petition for reinstatement of a revoked certificate.

16 PROBATION MONITORING COSTS. Respondent shall pay the costs associated with
17 probation monitoring each and every year of probation, as designated by the Board, which may be
18 adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and
19 delivered to the Board or its designee no later than January 31 of each calendar year.

20 ACCEPTANCE

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
22 discussed it with my attorney, Bradford Hinshaw. I understand the stipulation and the effect it
23 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
24 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
25 Decision and Order of the Medical Board of California.

26
27 DATED: 12/15/2014


MALINI B. MADANAHALLI, M.D.
Respondent

1 I have read and fully discussed with Respondent Malini B. Madanahalli, M.D. the terms
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
3 Order. I approve its form and content.

4 DATED: 12-16-14


BRADFORD HINSHAW
Attorney for Respondent

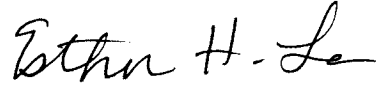
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Medical Board of California.

10 Dated: 12-23-14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


ESTHER H. LA
Deputy Attorney General
Attorneys for Complainant

18 SF2013406697
19 41151835.doc

Exhibit A

Accusation No. 03-2013-232777

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ESTHER H. LA
Deputy Attorney General
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5 San Francisco, CA 94102-7004
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 31, 2014
BY: R. L. N. Analyst ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 03-2013-232777

13 **MALINI B. MADANAHALLI, M.D.**

A C C U S A T I O N

14 20640 Ritanna Court
Saratoga, CA 95070

15 Physician's and Surgeon's Certificate
No. A 63947

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Interim Executive Director of the Medical Board of California, Department of
21 Consumer Affairs.
- 22 2. On or about November 21, 1997, the Medical Board of California issued Physician's
23 and Surgeon's Certificate Number A 63947 to Malini Madanahalli, M.D. (Respondent). The
24 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
25 charges brought herein and will expire on January 31, 2015, unless renewed.
- 26
27
28

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board)¹, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code states in relevant part:

“The board shall have the responsibility for the following:

“(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

“(b) The administration and hearing of disciplinary actions.

“(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

“(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.”

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

6. Section 2234 of the Code provides in relevant part that the Board “shall take action against any licensee who is charged with unprofessional conduct.”

7. Section 2239 of the Code states, in pertinent part:

“(a) The use . . . of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely . . . constitutes unprofessional conduct.”

¹ The term “Board” means the Medical Board of California. “Division of Medical Quality” shall also be deemed to refer to the Board. (Bus. & Prof. Code, § 2002).

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Excessive Use of Alcohol)

3 8. Respondent is subject to disciplinary action under Code sections 2234 and/or 2239 in
4 that she has used alcohol to an extent and in a manner that is dangerous to herself and/or another
5 person and/or the public and/or to an extent that her use of alcohol impairs her ability to practice
6 medicine safely. The circumstances are as follows:

7 9. On or about May 28, 2013, Respondent was arrested for driving under the influence
8 of alcohol in violation of Vehicle Code section 23152(a)(b) and for child endangerment in
9 violation of Penal Code section 273a. According to a Santa Clara County Sheriff's Arrest-
10 Investigation Report, Respondent's son called 911 at approximately 3:21 p.m. on May 28, 2013
11 and reported that Respondent, who was driving him and five other minor children home from
12 school, was driving while drunk. Respondent admitted to the arresting officer that she had
13 consumed alcohol earlier that day. Alcohol breath tests performed at 4:52 p.m. and 4:55 p.m.
14 showed results of 0.22 BAC and 0.23 BAC, respectively.

15 10. On or about June 12, 2013, a criminal complaint was filed against Respondent in
16 *People of the State of California v. Malini Madanahalli*, Superior Court of California, County of
17 Santa Clara, Case No. C1358309, charging Respondent with the following crimes: (1)
18 endangering or injuring the health of a child, in violation of Penal Code section 273a; (2) driving
19 under the influence of alcohol, in violation of Vehicle Code section 23152(a); (3) driving with a
20 blood alcohol level of 0.08 or more, in violation of Vehicle Code section 23152(b); and lewdness
21 or drunkenness in the presence of child, in violation of Penal Code section 273g.

22 11. On September 19, 2013, Respondent was interviewed by a Board investigator.
23 Respondent acknowledged having an alcohol abuse problem for the prior year and a half, and also
24 acknowledged a history of depression and anxiety. She has been on leave of absence from work
25 since February 24, 2013. In March 2013, she entered a six week residential alcohol treatment
26 program in New York. She completed the program in late April, 2013 but relapsed shortly
27 thereafter. Respondent acknowledged that in addition to her relapse and DUI arrest on May 28,
28 2013, she had another relapse and became intoxicated on July 5, 2013.

12. On or about November 15, 2013, Respondent entered a no contest plea to violating Vehicle Code section 23152(b) [driving with a blood alcohol level of 0.08% or greater].

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 63947, issued to Malini Madanahalli, M.D.;
2. Revoking, suspending or denying approval of Malini Madanahalli, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
3. Ordering Malini Madanahalli, M.D., if placed on probation, to pay the Medical Board of California the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: January 31, 2014


KIMBERLY KIRCHMEYER
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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